

-7-

### REMARKS

In response to the Office Action mailed June 16, 2005, Applicants respectfully request reconsideration. To further the prosecution of this Application, Applicants submit the following remarks. Claims 25 and 26 have been added. The claims as now presented are believed to be in allowable condition.

Claims 1-26 are pending in this Application. Claims 1 and 14 are independent claims.

### Preliminary Matters

In reviewing the office action, it appears the Examiner is equating a web server with a web service. A web server, as described at [www.webopedia.com](http://www.webopedia.com), comprises a computer that delivers (*serves up*) Web pages. Every Web server has an IP address and possibly a domain name. For example, if a user enters the URL <http://www.pcwebopedia.com/index.html> in a browser, this sends a request to the server whose domain name is *pcwebopedia.com*. The server then fetches the page named *index.html* and sends it to the browser. A computer can be turned into a Web server by installing server software and connecting the machine to the Internet. There are many Web server software applications, including public domain software from NCSA and Apache, and commercial packages from Microsoft, Netscape and others.

Web services are well known to those of reasonable skill in the art. A web service definition can be found at <http://www.w3.org/TR/2002/WD-wsa-reqs-20020429>, which defines a web service as

“A Web service is a software application identified by a URL, whose interfaces and binding are capable of being defined, described and discovered by XML artifacts and supports direct interactions with other software applications using XML based messages via internet-based protocols”

A web service is described in the specification at page 6, line 19 through page 7, line 2, as follows:

“A Web Service is programmable application logic accessible using standard Internet protocols. Similar to software components, Web Services provide functionality that can be used multiple times and by multiple different applications running on multiple different systems. Web services are accessed via web protocols such as Hypertext Transfer Protocol (HTTP) and by data formats such as Extensible Markup Language (XML). A Web Service interface is defined in terms of messages the Web Service can accept and generate. Users of the Web Service can be implemented on any platform and in any programming language, as long as they can create and consume the messages defined for the particular Web Service being utilized. “

Thus, a web service is not a service available over a network or a device that serves web pages, but instead is a software component similar to an object oriented software component (such as a java bean) that is accessed over a network via a web protocol instead of being locally installed, as a java bean would be.

#### Rejections under §103

Claims 1-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,662,217 to Godfrey et al. (hereinafter Godfrey in view of U.S. Patent Publication 2002/0046239 to Stawikowski et al. (hereinafter Stawikowski). Applicants respectfully traverse each of these rejections and request reconsideration. The claims are in allowable condition.

Godfrey discloses, in the abstract and at column 1, lines 9-15, that the invention relates to systems for stress testing server computers (e.g. a Web server) which may be located anywhere on the Internet. Stawikowski describes, at column 1, paragraph 1, a communication system on the Internet between at least one automation equipment offering one or more automatic control functions and at least one remote device.

The Examiner stated that Godfrey teaches testing a **web server** as a component. Applicants respectfully agree in that Godfrey teaches testing a web

server (not a **web service**) but disagree that the web server is tested as a component. Godfrey does not mention or disclose a "component". Further applicants do not understand how a web server can be considered a "component". Further, as recited above, a **web service** is quite different than a web server and therefore testing a web service as a component is totally different than testing a web server.

The Examiner then states that Godfrey **does not teach a web service**. The Examiner further states that a web service is an application which is well known to run on web servers. Again applicants respectfully disagree with the Examiner's statement. As described above and in the specification, a web service is a software component that resides on a remotely located machine, and that an application accesses during execution. A web server, on the other hand, is used to serve web pages.

Regarding the Stawikowski reference, Stawikowski teaches the use of a web service in a communication system. Stawikowski does not teach or suggest testing of a web service, nor testing a web service as a component. Neither of Godfrey nor Stawikowski, taken alone or in combination, disclose or suggest testing a web service as a component.

In contrast to Godfrey and Stawikowski, claim 1 recites identifying a web service to be tested. Neither Godfrey nor Stawikowski disclose or suggest identifying a web service to be tested. Claim 1 further recites obtaining information relating to the web service to be tested. Neither Godfrey nor Stawikowski disclose or suggest obtaining information relating to the web service to be tested. Claim 1 further recites generating a program to exercise the web service to be tested. Neither Godfrey nor Stawikowski disclose or suggest generating a program to exercise the web service to be tested. Claim 1 further recites executing the program to exercise the web service to be tested. Neither Godfrey nor Stawikowski disclose or suggest executing the program to exercise the web service to be tested. Claim 1 further recites obtaining results from the web service to be tested. Again, neither Godfrey nor Stawikowski disclose or

-10-

suggest obtaining results from the web service to be tested. Applicants respectfully request the Examiner to explicitly point out where in Godfrey testing a web service as a component can be found, where identifying a web service to be tested can be found, where obtaining information relating to the web service to be tested can be found, where generating a program to exercise the web service to be tested can be found, where executing the program to exercise the web service to be tested can be found, where executing the program to exercise the web service to be tested can be found and where obtaining results from the web service to be tested can be found.

In view of the above, the rejection of claim 1 as being unpatentable over Godfrey in view of Stawikowski is believed to have been overcome. Claim 14 recites similar language as claim 1 and is believed allowable for the same reasons as claim 1. Claims 2-13 and 15-24 depend from claim 1 or 14 and are believed allowable as they depend from a base claim which is believed allowable.

Claims 25 and 26 have been added. Claims 25 and 26 define the web service in greater detail as being an object-oriented software component accessed via a web protocol. Support for this can be found in the specification at page 6, line 19 through page 7, line 2. Accordingly, Applicants submit that no new matter has been added, and that the addition of claims 25 and 26, which merely further define the web service, does not require a new search.

#### Conclusion

In view of the foregoing remarks, this Application should be in condition for allowance. A Notice to this effect is respectfully requested. If the Examiner believes, after this Response, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicant's Representative at the number below.

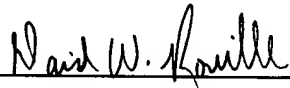
Applicants hereby petition for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this

-11-

response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-0901.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 366-9600, in Westborough, Massachusetts.

Respectfully submitted,



David W. Rouille, Esq.  
Attorney for Applicant(s)  
Registration No.: 40,150  
CHAPIN & HUANG, L.L.C.  
Westborough Office Park  
1700 West Park Drive  
Westborough, Massachusetts 01581  
Telephone: (508) 366-9600  
Facsimile: (508) 616-9805

Attorney Docket No.: EMP04-01

Dated: September 9, 2005